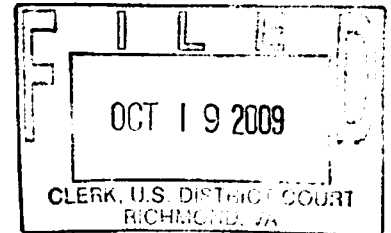


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



**JERRY LAMONT BARNES,**

Petitioner,

v.

Civil Action No. **3:08CV840**

**DANIEL A. BRAXTON,**

Respondent.

**ORDER**

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED that:

1. Respondent's motion to dismiss (Docket No. 10) is GRANTED;
2. Petitioner's claims are DISMISSED;
4. The petition for a writ of habeas corpus under 28 U.S.C. § 2254 is DENIED; and,
5. The action is DISMISSED.

Petitioner may appeal the decision of the Court. Should he wish to do so, written notice of appeal must be filed with the Clerk of Court within thirty (30) days of the date of entry hereof. Failure to file a written notice of appeal may result in the loss of the right to appeal.

The Clerk of the Court is DIRECTED to send a copy of the accompanying Memorandum Opinion and this Order to Petitioner and counsel of record for Respondent.

It is SO ORDERED.

Date: OCT 19 2009  
Richmond, Virginia

/s/  
Richard L. Williams  
United States District Judge

Richard L. Williams  
United States District Judge